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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,465	03/25/2004	Thierry Dupuis	Q80401	6282
23373	7590	08/28/2006		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
			EXAMINER HUYNH, NAM TRUNG	
			ART UNIT 2617	PAPER NUMBER

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,465

Applicant(s)

DUPUIS ET AL.

Examiner

Nam Huynh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 5/24/2006. Of the original claims 1-8, claims 1-2 have been cancelled and claims 9-11 have been added.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) he has abandoned the invention.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 3-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Parker (US 6,124,799).

A. Regarding claim 9, Parker discloses a method and apparatus for locking communications devices. In the scope of the invention, a handset is programmed at the time of manufacture (first locked) with an equipment identification number and a key (locking key), which is to be used in the computation of an authorization (unlocking) checkword preferably a value specific to the handset itself (columns 6-7, lines 52-67, 1-3). The handset initially is locked and may only be used for activation and emergency calls. To unlock or activate the handset, a user powers on the handset and the handset dials any number (establishing a communication by using a calling number) and routes subscriber identification information (identification number of the mobile telephone) to a mobile telephone base station (figure 4, item 106). A customer service center (CSC)

that can comprise of customer service personnel or an automated system computes a valid M_{handset} (unlocking information) and sends this to the handset (figure 4, item 116). Once this value is received by the handset, it is stored in memory and is used for unlocking itself (figure 5, item 172).

B. Regarding claim 10, Parker discloses that the subscriber identification information sent from the activation call is validated by a home location register (HLR) (figure 4, item 108).

C. Regarding claim 11, Parker discloses that the HLR identifies the subscriber and routes the call (establish communication) to the CSC (figure 4, item 110).

D. Regarding claims 3 and 4, Merriam-Webster defines transparent as “readily understood”. Therefore it is inherent that the HLR must understand the subscriber identification information in order to validate it.

E. Regarding claims 5 and 6, Parker discloses that the customer service center transmits a permanent subscriber information identification number to the handset via MSC and mobile telephone base station (column 8, lines 51-54). Furthermore, the customer service center transmits a modifier value, M_{handset} , which is the single key for all handsets within the operator’s control (column 8, lines 60-63). In the system configuration of the combination of Parker and Rodriguez, the manufacturer (customer service center) would transmit a confirmation message (subscriber identification number and M_{handset}) via the MSC (operator). Regarding claim 6, it would further be obvious that the message would be sent to the MSC or “operator” because the message is sent

via the MSC therefore showing that the message is sent to both components of the system.

F. Regarding claim 7, Parker discloses that once the customer service center transmits the subscriber identification number and modifier value (M_{handset}), the handset must re-register with the telephone base station and MSC using the new information (columns 8-9, lines 60-67, 1-18). Therefore showing different values for M_{handset} being sent to the MSC and the handset or else a re-registering procedure would not be necessary.

G. Regarding claim 8, Parker discloses that the transmission of the permanent subscriber information identification number is sent using an available messaging function, such as GSM short messaging service (SMS), or similar capability available under an alternative mobile telecommunications standard (column 8, lines 54-57).

Response to Arguments

3. Applicant's arguments with respect to claims 3-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NTH
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GEORGE ENG
SUPERVISORY PATENT EXAMINER